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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,725	07/12/2000	Masami Kidono	000871	3259

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EXAMINER

GENCO, BRIAN C

ART UNIT	PAPER NUMBER
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2615

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DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,725

Applicant(s)

KIDONO ET AL.

Examiner

Brian C Genco

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation that said correction reference signal generation means performs different types of correction reference signal generation processing in generating the reference signal, corresponding to the plurality of drive modes as claimed in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Similarly the limitation of an n-addition drive mode of claims 2, and 5-7 must be shown or the feature(s) canceled from the claim(s).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Electronic imaging apparatus operable in two modes, with a different optical black correction procedure being effected in each mode.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 6, and 7 are rejected under 35 U.S.C. 102(e) and 35 U.S.C. 102(a) as being anticipated by (USPN 6,084,634 to Inagaki et al.).

In regards to claim 1 Inagaki et al., herein Inagaki, discloses an image pickup apparatus comprising:

an image pickup device (e.g., element 4 of Fig. 13);

correction reference signal generation means for generating a correction reference signal from output signals of a vertical optical black pixel portion of the image pickup device, for correcting effective image signals outputted as signal of an effective pixel portion of said image pickup device (e.g., element 701 of Fig. 14; column 17, lines 10-25 and 36-59);

image signal correction means for subtracting said correction reference signal from said effective image signals (e.g., element 402; Examiner notes that the subtraction is inherent in the level shifter); and

image pickup device drive means having a plurality of drive modes for driving said image pickup device to read pixel charge as an output signal (e.g., still photography and view finder modes);

wherein said correction reference signal generation means performing different types of correction reference signal generation processing in generating the reference signal,

corresponding to the plurality of drive modes of said image pickup device drive means (e.g., column 20, line 61 – column 21, line 4).

In regards to claim 4 see Examiner's notes on the rejection of claim 1.

In regards to claim 6 the dynamic image taking mode is the view finder mode and the still image taking mode is the still photography mode.

In regards to claim 7 see Fig. 15.

Applicant cannot rely upon the foreign priority papers to overcome the 35 U.S.C. 102(a) rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claims 1, 4, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by (JP 09-135388 to Inagaki et al.).

In regards to claims 1, 4, 6, and 7 Examiner notes that JP 09-135388 is an equivalent document as USPN 6,084,634, wherein the same rejections made above are herein reiterated for this rejection. Examiner is using USPN 6,084,634 as a translation of JP 09-135388.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over (USPN 6,084,634 to Inagaki et al.) in view of (Applicant's admitted prior art).

In regards to claim 2 Inagaki does not disclose an n-addition drive mode, instead Inagaki discloses reading out one out of ever four rows and lines as depicted in Figs. 4(A) and 4(B). Applicant's admitted prior art discloses that an n-addition drive mode is advantageous for outputting at high speed a low resolution image with high sensitivity (page 3, paragraph 1). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have made Inagaki's thinning in the view finder mode an n-addition drive mode so as to output at high speed a low resolution image with high sensitivity.

In regards to claim 3 see column 17, lines 36-44.

In regards to claim 5 see Examiners notes on the rejection of claims 2 and 6. See Fig. 3 and column 11, lines 11-24.

Claims 1, 4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over (JP 09-135388 to Inagaki et al.) in view of (USPN 6,160,578 to Carroll et al.).

In regards to claims 1, 4, 6, and 7, assuming arguendo that the subtraction is not inherent with the level shifter of Inagaki's invention Examiner notes the disclosure of Carroll et al., herein Carroll, wherein it is disclosed that an optical black signal is feed back so as to subtract the black level from the video signal with a DC offset signal so that the A/D converters are in the right digitizing range (e.g., column 13, lines 10-24). Examiner notes that in Inagaki's disclosure it is taught to shift the DC level of the input so as to supply the input to the A/D converters in a proper dynamic range, namely so that the optical black level is coincident with a lower limit of the A/D converters (column 17, lines 12-18). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have subtracted the black level from the video signal in the level shifter in order to obtain Inagaki's stated objective of ensuring the optical black level is coincident with a lower limit of the A/D converters. Examiner notes that the rest of the rejection of claims 1, 4, 6, and 7 can be made as indicated in the rejections above.

Claims 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over (JP 09-135388 to Inagaki et al.) in view of (USPN 6,160,578 to Carroll et al.) in view of (Applicant's admitted prior art).

In continuing the arguendo mentioned above, the rejection for claims 2, 3, and 5 made previously are similarly made here.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Thursday 7:30am to 4:30 pm and every other Friday 7:30am to 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Brian C Genco
Examiner
Art Unit 2615

November 5, 2003



ANDREW CHRISTENSEN
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